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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,566	05/17/2000	David Burbridge	03DV-7034	7639

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EXAMINER

PHAN, THAI Q

ART UNIT	PAPER NUMBER
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2128

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DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/574,566

Applicant(s)

BURBRIDGE ET AL.

Examiner

Thai Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This Office Action is in response to patent application S/N: 09/574,566, filed on May 17, 2000. Claims 1-46 are now pending.

#### ***Information Disclosure Statement***

The information disclosure statement filed on Jan. 14, 2002 has been received and considered.

#### ***Drawings***

The informal drawings are acceptable for examination.

#### ***Double Patenting***

Claims 1-46 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-30 of copending Application No. 09/574,564. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: claims 1-46 under examination are obvious combinations of claims 1-30 of the related patent application 09/574,564.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara et al., "Enterprise Model-based Software Architecture with Server Component Integration," IEEE, 1998, pp. 356-363.

As per claim 1, Uehara discloses a method and system for integrating data in workflow management with feature limitations very similar to the claimed invention (Abstract and Introduction). According to Uehara, the method includes steps of

receiving application data from a user via the device (page 357, col. 2, Fig. 1),  
integrating the received data into a database (Fig. 3),  
utilizing the integrated data to monitor design activities (pages 358-361).  
Collecting monitored design activity data (pages 360-362),

And displaying the collected data through the web interfaces to a person as claimed (pages 358-362) through a web technology and the mature of distributed technology. Uehara does not expressly disclose an appropriate person as claimed.

Practitioner in the art at the time of the invention was made would have found the system with data integration above for user in an interactive design would imply the claimed limitation of an appropriate person because the system is designed to assist

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user in various design and processing applications. In other words, the application user would find it appropriate to use the system in his specific project development.

As per claims 2 and 3, Uehara discloses data related to process control and design process in business applications which would include applications related to plant designs and operations because the system is designed to process business operations such as engineering plans, plant operation, plant design, plant constructions, etc. as claimed.

As per claims 4 and 5, Uehara discloses receiving data and data network being used to receive data.

As per claim 6, Uehara discloses client applications with the claimed feature limitations such as login procedures, level views, etc.

As per claims 7-17, Uehara discloses user applications for design and development in system integration as claimed. Such applications would include administrative jobs, engineering design, drawings, editing drawings, etc. (pages 358-361).

As per claim 18, Uehara discloses a network of software integration for project management. Such industrial project under management in this context would include managing plant business operations, plant activities, and plant facility as claimed.

As per claims 19-24, Uehara discloses a network for process planning and management over a network of enterprise servers. This would imply the claimed limitations such as communications protocols, communication commands, e-mail

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telecommunications, paging, broadcast, etc. between server sites for controlling business operations, plant activities, business process, etc. (pages 358-361).

As per claim 25, claim 25 is directed to a system for processing a design, with the processing steps as in method claim 1 above. And, Uehara discloses a method and system for integrating data in workflow management with feature limitations very similar to the claimed invention. According to Uehara, the system includes means for:

receiving application data from a user via the device (page 357, col. 2, Fig. 1),  
system server connected to the devices for integrating the received data into a database (Fig. 3),

utilizing the integrated data to monitor design activities (pages 358-361),

Collecting monitored design activity data (pages 360-362),

And displaying the collected data through the web interfaces to a person for appropriate operation or appropriate person as claimed (pages 358-362) through a web technology and distributed technology advantages. Uehara does not expressly disclose the feature of plant activities information as claimed.

Practitioner in the art at the time of the invention was made would have found the design system above would imply the claimed limitation of a plant information related to plant activities as claimed because the Uehara design system is used to design, process and monitor application information related to business process operations in engineering, and plant design and control which would include plant process activity information as claimed.

As per claim 26, Uehara discloses means for receiving data related to engineering processing and design such as plant design and construction, etc.

As per claim 27, Uehara discloses server integrating received data into a database as claimed (Figs. 2-4).

As per claim 28, Uehara discloses process tracking and recording in order to update system integration and business activities (pages 359-360).

As per claims 29-30, claims 29-30 are directed to means in the system for performing steps in data and system integration to control and manage user's project in design applications as in method claims above. Claims 29-30 are also rejected with the rejection rationales as above.

As per claims 31-46, Uehara discloses a network for process planning and management over a network of enterprise servers. This would imply the claimed limitations such as communications protocols, communication commands, e-mail telecommunications, paging, broadcast, etc. between server sites for controlling business operations, plant activities, business process, etc. (pages 358-361).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  1. US patent no. 5,930,762, issued to Masch, Vladimir, on July 1999
  2. US patent no. 6,226,620 B1, issued to Oon, Yeong, on May 2001
  3. US patent no. 6,519,601 B1, issued to Bosch, Bart Van Den, on Feb. 2003

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4. Zirkelbach et al., "Databases in Automated Process Control," IEEE, 1998, pp. 193-198.
  5. William Paseman, "Architecture of an Integration and Portability Platform," IEEE, 1988, pp. 254-258.
  6. Mazumdar et al., "Modeling the Environment and the Interface for Real Time Monitoring and Control," IEEE, 1991, pp. 1598-1603.
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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to patent examiner Thai Phan whose telephone number is 703-305-3812.
  3. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
  4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Phan

Mar. 16, 2004

*Thaiphon*  
*Thai Phan*  
*Patent Examiner*  
*AU: 2128*